

FOR CLERK'S USE ONLY

YUMA MUNICIPAL COURT

City of Yuma, Yuma County, Arizona

STATE OF ARIZONA, Plaintiff -VS- _____ Defendant (FIRST, MI, LAST)	[CASE/COMPLAINT NO.]	NOTICE OF RIGHT TO APPLY TO HAVE CONVICTION SET ASIDE
--	----------------------	--

RIGHT TO APPLY FOR SET ASIDE

(A.R.S. §13-907; Rule 29, Arizona Rules of Criminal Procedure)

On fulfillment of the conditions of probation or sentence and discharge by the court, you may apply to the court where you were sentenced to have the judgment of guilt set aside. Your attorney or probation officer may apply on your behalf.

If you were convicted of multiple offenses, the Court must act on each individual case and each individual count. If you have more than one case number, you must file a separate application for each case number. Note that a conviction for certain offenses cannot be set aside and the granting of an application to set aside a conviction will not affect your driver license record.

The court will not charge a fee for filing an application to set aside a conviction.

RECEIPT BY DEFENDANT

I have received a copy of this notice explaining my right to appeal, my right to seek post-conviction relief and the procedures I must follow to exercise these rights.

Date

Defendant

YUMA MUNICIPAL COURT
City of Yuma, Yuma County, Arizona

<p>STATE OF ARIZONA, Plaintiff</p> <p>-vs-</p> <hr/> <p>Defendant (FIRST, MI, LAST)</p> <hr/> <p>Date of Birth _____</p> <p>Applicant is: <input type="checkbox"/> Defendant <input type="checkbox"/> Attorney for Defendant</p> <p><input type="checkbox"/> Probation Officer</p>	<p>CASE NUMBER: _____</p> <p style="text-align: center;">APPLICATION TO SET ASIDE CONVICTION</p> <p style="text-align: center;">A.R.S. § 13-907</p> <p>Note: Includes application to restore gun and firearm rights pursuant to A.R.S. § 13-907(J)</p>
--	---

SECTION I. CONVICTION(S)

A Judgment of Guilt was entered in the _____ Court against me, the defendant, on the _____ day of _____, _____, on the conviction of:

1. Count I: _____
2. Count II: _____
3. Count III: _____
4. Count IV: _____

☐ Additional counts continue on a separate page.

SECTION II. SENTENCE COMPLIANCE

1. I was sentenced to: ☐ a term of probation ☐ the Department of Corrections
2. ☐ I completed the conditions of **probation**. The Probation Department's order discharging me from probation is attached to this application, if available.
3. ☐ I have complied with all required terms of the **sentence** (*including all probation, employment, classes, community service, victim restitution or other court ordered monetary obligations, drug/alcohol testing, or other requirements.*)
4. ☐ I have not complied with all terms of my sentence. Explain:

5. ☐ I received from the Arizona Department of Corrections a Certificate of Absolute Discharge from Imprisonment AND have attached a copy of that Certificate to this application, if available.
6. Have you paid victim restitution in full? ☐ Yes ☐ No
If not, a set aside of judgment will be denied without a showing of extraordinary circumstances. If you believe you have extraordinary circumstances, explain below. (*Attach documentation you think is relevant for the court's consideration.*)

7. Have you paid all other court-ordered monetary obligations in this case (criminal fines and fees) in full? ☐ Yes ☐ No

If not, please explain:

In some circumstances, you may be eligible to apply to the court to mitigate the amount owed or convert monies owed to community restitution.

SECTION III. PRIOR SET ASIDE(S)

1. Have you previously applied to set aside any conviction? ☐ Yes ☐ No

If so, what was the date of your last application? _____

2. Have you previously been granted a set aside? ☐ Yes ☐ No
3. Have you previously been denied a set aside? ☐ Yes ☐ No

SECTION IV. PENDING CASES AND ACTIVE WARRANTS

1. Are there any open criminal cases against you? ☐ Yes ☐ No
2. Do you have an active warrant? ☐ Yes ☐ No

If yes to either question above, please explain:

SECTION V. OTHER INFORMATION FOR THE COURT

1. Is there anything you would like the court to consider?

2. ☐ Attach any other information you would like the court to consider.

List attached documents:

3. The court may decide on this application without a hearing unless a hearing is requested by you, the prosecutor's office, or the victim. (*Check the box below if you are requesting a hearing.*)

Hearing requested? ☐ Yes ☐ No

I understand that this application may be denied if information in this application is found to be inaccurate.

I understand that even if I am granted the right to possess a gun or firearm under Arizona law, it may not give me the right to possess a firearm under federal law.

I declare under penalty of perjury that the information provided in this application and any attachments is true and correct.

Applicant's Name Printed

Applicant's Signature

Address

AUTHORIZATION TO PROCEED ON BEHALF OF DEFENDANT

I authorize _____ [☐] Attorney, or [☐] Probation Officer to petition the
Superior Court in _____ County, to take the above-indicated action.

Date

Defendant's Signature

YUMA MUNICIPAL COURT
City of Yuma, Yuma County, Arizona

<div style="border-bottom: 1px solid black; margin-bottom: 5px;">STATE OF ARIZONA, Plaintiff</div> <div style="margin-bottom: 5px;">-vs-</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Defendant (FIRST, MI, LAST)</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Date of Birth</div>	<div style="border-bottom: 1px solid black; margin-bottom: 10px;">CASE NUMBER: _____</div> <div style="text-align: center;">ORDER REGARDING APPLICATION TO SET ASIDE CONVICTION AND RESTORATION OF GUN RIGHTS A.R.S. § 13-907</div>
--	--

Based upon the information presented to the Court, **THE COURT FINDS THAT:** (only those items marked)

The prosecutor has received a copy of the Application to Set Aside Conviction.

☐ The defendant **has met** all statutory requirements for the application; OR

☐ The defendant **has not met** all statutory requirements for the application.

☐ The defendant was convicted of a criminal offense not eligible to be set aside due to:

☐ a dangerous offense.

☐ an offense for which the person is required or ordered by the court to register pursuant to A.R.S. § 13-3821.

☐ an offense for which there has been a finding of sexual motivation pursuant to A.R.S. § 13-118.

☐ an offense in which the victim is a minor under fifteen years of age.

☐ an offense in violation of section 28-3473, any local ordinance relating to stopping, standing, or operation of a vehicle, or title 28, chapter 3, except a violation of section 28-693 or any local ordinance relating to the same subject matter as section 28-693.

IT IS ORDERED:

☐ **GRANTING** the application setting aside the judgment of guilt, dismissing the complaint, information, or indictment, and that the applicant be released from all penalties and disabilities resulting from the conviction **except those imposed by:**

a. The **Department of Transportation** pursuant to A.R.S. §§ 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, 28-3312, and 28-3319.

b. The **Game and Fish Commission** pursuant to A.R.S. §§ 17-314 or 17-340.

☐ The applicant's right to possess a gun or firearm is also **restored**.

OR

☐ The applicant's right to possess a gun or firearm is **DENIED** due to the applicant's conviction for a serious offense as defined in section 13-706.

☐ **DENYING** the application to set aside conviction for the following reasons:

☐ The defendant **has not met** all statutory requirements for the application.

☐ The defendant was convicted of a criminal offense **not eligible** for a conviction to be set aside.

☐ Other reasons:

DATED this _____ day of _____, _____

Judicial Officer